IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3095 OF 2006

Dnyaneshwar Vasant Kale .. Applicant
Versus
The State of Maharashtra .. Respondent

WITH

CRIMINAL APPLICATION NO.3040 OF 2006

Brahmadeo Ramshiromani Dube .. Applicant
Versus
State of Maharashtra .. Respondent

Mr.V.T.Tulpule with Mrs.S.V.Devgonde for applicants
Mr.S.S.Pednekar, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 29th August 2006

P.C.

. These applications can be disposed of by a common order.

2. Applicant in the Application No.3095 of 2006, is an Advocate whereas the applicant in Application No.3040 of 2006 is a Notary.

3. Applicants are apprehending arrest in connection with C.R.No.93 of 2006 registered with Kankavli police station alleging commission of offences under sections 420, 465 to 468 and 471 read with 34 I.P.C.

4. The first applicant is supposed to have identified signature on the power of attorney whereas the second applicant has in his capacity as Notary, notarised the same. It is alleged that the power of attorney holder has impersonated the identity as also photograph the original complainant. He further alleges that he had never instructed the power of attorney holder to execute any document in favour of anybody including the alleged purchaser.

5. The investigations are going on and the power of attorney is seized. Learned A.P.P. states that the applicants need to attend the police station as their signatures and handwritings have to be sent for verification and examination. Even the second applicant is required to produce the original Register for verification and scrutiny of the I.O. Both the applicants have specifically stated that they are willing to cooperate with the investigation. Further, as professionals, there is no anxiety that they are likely to avoid attending investigation or the trial. In such circumstances and when the original power of attorney has been seized, it would be appropriate if both the applicants are granted pre-arrest bail. Hence, following order:-

i) In the event of the arrest of the applicant in connection with C.R.No.93 of 2006 registered with Kankavli Police

Station, the applicants, (1) Dnyaneshwar Vasant Kale and (2) Brahmadeo Ramshiromani Dube shall be enlarged on bail in the sum of Rs.5000/- each with one or two sureties in the like amount.

ii) The bail is granted subject to condition that the applicants will attend the Kankavli police station as and when summoned.

iii) Bail is granted subject to condition that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against them so as to dissuade him from disclosing such facts to the Court or to the police officer/ investigating agency. The applicants shall not tamper with the prosecution

evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial

v) This order will enure to the benefit of the applicants only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)